

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

AMERICAN ASSOCIATION OF
ANCILLARY BENEFITS, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, in his official capacity
as Secretary of the United States Department
of Health and Human Services, *et al.*,

Defendants.

Case No. 4:24-cv-00783-SDJ

NOTICE OF SERVICE OF THE ADMINISTRATIVE RECORD

In accordance with this Court's scheduling order, ECF No. 30, Defendants hereby provide notice that they served the attached certified administrative record index, as well as the full administrative record in this case, on Plaintiffs on October 21, 2024.

Dated: October 21, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

MICHELLE R. BENNETT
Assistant Branch Director

/s/ Kyla M. Snow
KYLA M. SNOW
Trial Attorney (Ohio Bar No. 96662)
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L St. NW
Washington, DC 20005
(202) 514-3259
kyla.snow@usdoj.gov

Counsel for Defendants

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XAVIER BECERRA, in his official capacity as
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CERTIFICATION OF THE RULEMAKING RECORD

I, Martique S. Jones, Director of the Regulations Development Group, a component of the Office of Strategic Operations and Regulatory Affairs, Centers for Medicare & Medicaid Services, United States Department of Health and Human Services, certify that, to the best of my knowledge, the attached index lists the materials that comprise the complete administrative record of the rulemaking proceedings for the Short-Term, Limited-Duration Insurance and Independent, Noncoordinated Excepted Benefits Coverage; Final Rules, 89 Fed. Reg. 23,338 (Apr. 3, 2024).

Executed this eighteenth day of October, 2024, in Baltimore, Maryland.

Martique S. Jones -S Digitally signed by Martique S. Jones -S
Date: 2024.10.18 12:57:53 -04'00'

Martique S. Jones, Director
Regulations Development Group
Office of Strategic Operations and Regulatory Affairs
Centers for Medicare & Medicaid Services
United States Department of Health and Human Services

INDEX TO THE RULEMAKING RECORD FOR

American Association of Ancillary Benefits v. Becerra, No. 4:24-00783-SDJ (E.D. Tex.)

A. Federal Register Documents and Public Comments

1. Short-Term, Limited-Duration Insurance; Independent, Noncoordinated Excepted Benefits Coverage; Level-Funded Plan Arrangements; and Tax Treatment of Certain Accident and Health Insurance; Proposed Rules, 88 Fed. Reg. 44,596 (proposed July 23, 2023) Bates: 000001 - 000063
2. Public Comments Bates: 000064 - 023784
3. Short-Term, Limited-Duration Insurance and Independent, Noncoordinated Excepted Benefits Coverage; Final Rules, 89 Fed. Reg. 23,338 (Apr. 3, 2024) Bates: 023785 - 023868

B. Materials Considered

1. Jost, Timothy (2017). “ACA Round-Up: Market Stabilization, Fixed Indemnity Plans, Cost Sharing Reductions, and Penalty Updates,” Health Affairs Bates: 023869 - 023874
2. AHIP (2019). “Supplemental Health Insurance: Hospital or Other Fixed Indemnity, Accident-Only, Critical Illness” Bates: 023875 - 023876
3. Young, Christen Linke and Kathleen Hannick (2020). “Fixed Indemnity Coverage is a Problematic Form of ‘Junk’ Insurance,” U.S.C.-Brookings Schaeffer Initiative for Health Policy Bates: 023877 - 023894
4. Frequently Asked Questions about Affordable Care Act Implementation (Part XI) (Jan. 24, 2013) Bates: 023895 - 023903
5. Frequently Asked Questions about Affordable Care Act Implementation (Part XXVIII) and Mental Health Parity Implementation (Jan. 9, 2014) Bates: 023904 - 023916
6. National Association of Insurance Commissioners (2013). “Letter to Secretaries of Labor, Treasury, and Health and Human Services” Bates: 023917 - 023918
7. Healthinsurance.org (2023). “Glossary: What is a Critical Illness Plan?” Bates: 023919 - 023924

8. American Council of Life Insurers (2021). “Model 171 Benefits Overview: Presented to the NAIC Accident and Sickness Minimum Standards (B) Subgroup” Bates: 023925 - 023947
9. Centers for Medicare & Medicaid Services (2018). “Trends in Subsidized and Unsubsidized Individual Health Insurance Market Enrollment” Bates: 023948 - 023956
10. Kaiser Family Foundation (2020). “Insurer Participation on ACA Marketplaces, 2014–2021” Bates: 023957 - 023967
11. Centers for Medicare & Medicaid Services (2023). “Health Insurance Marketplaces, 2023 Open Enrollment Report” Bates: 023968 - 023984
12. Ortaliza, Jared, Justin Lo, Krutika Amin, and Cynthia Cox (2022). “How ACA Marketplace Premiums Are Changing By County in 2023,” Kaiser Family Foundation Bates: 023985 - 023992
13. Congressional Budget Office (2022). “Letter from Phillip L. Swagel to Rep. Mike Crapo, ‘Re: Health Insurance Policies’” Bates: 023993 - 023999
14. Collins, Sara, Lauren Haynes, and Relebohile Masitha (2022). “The State of U.S. Health Insurance in 2022: Findings from the Commonwealth Fund Biennial Health Insurance Survey,” Commonwealth Fund Bates: 024000 - 024022
15. Palanker, Dania, JoAnn Volk, and Kevin Lucia (2018). “Short-Term Health Plan Gaps and Limits Leave People at Risk,” Commonwealth Fund Bates: 024023 - 024027
16. Lueck, Sarah (2018). “Key Flaws of Short-Term Health Plans Pose Risks to Consumers,” Center on Budget and Policy Priorities Bates: 024028 - 024031
17. Hall, Mark and Michael McCue (2022). “Short-Term Health Insurance and the ACA Market,” Commonwealth Fund Bates: 024032 - 024036
18. Partnership to Protect Coverage (2021). “Under-Covered: How ‘Insurance-Like’ Products are Leaving Patients Exposed” Bates: 024037 - 024062

19. Dieguez, Gabriela and Dane Hansen (2020). “The Impact of Short-term Limited-duration Policy Expansion on Patients and the ACA Individual Market,” Milliman Bates: 024063 - 024110

20. Palanker, Dania, Kevin Lucia, and Emily Curran (2017). “New Executive Order: Expanding Access to Short-Term Health Plans Is Bad for Consumers and the Individual Market,” Commonwealth Fund Bates: 024111 - 024116

21. Appleby, Julie (2017). “Brokers Tout Mix-And- Match Coverage To Avoid High-Cost ACA Plans,” Kaiser Family Foundation Bates: 024117 - 024121

22. Lopes, Lunna, Audrey Kearney, Alex Montero, Liz Hamel, and Mollyann Brodie (2022). “Health Care Debt In The U.S.: The Broad Consequences Of Medical And Dental Bills,” Kaiser Family Foundation Bates: 024122 - 024150

23. Himmelstein, David, Samuel Dickman, Danny McCormick, David Bor, Adam Gaffney, and Steffie Woolhandler (2022). “Prevalence and Risk Factors for Medical Debt and Subsequent Changes in Social Determinants of Health in the US,” JAMA Network Open, Volume 5 Issue 9:e2231898 Bates: 024151 - 024163

24. Families USA (2019). “Surprise Medical Bills, Results from a National Survey” Bates: 024161 - 024191

25. Department of Health and Human Services Office of the Assistant Secretary for Preparedness and Response, Determination of the HHS Secretary that a Public Health Emergency Exists Bates: 024192 - 024192

26. Department of Health and Human Services Office of the Assistant Secretary for Preparedness and Response, Renewal of Determination That A Public Health Emergency Exists Bates: 024193 - 024194

27. Executive Office of the President, Office of Management and Budget, Statement of Administration Policy: H.R. 382 and H.J. Res. 7 (Jan. 30, 2023) Bates: 024195 - 024196

28. Letter to U.S. Governors from HHS Secretary Xavier Becerra on renewing COVID–19 Public Health Emergency (PHE) (Feb. 9, 2023) Bates: 024197 - 024202

29. Curran, Emily, Kevin Lucia, JoAnn Volk, and Dania Palanker (2020). “In the Age of COVID-19, Short-Term Plans Fall Short for Consumers,” Commonwealth Fund Bates: 024203 - 024207
30. FAQs about Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation Part 42 (Apr. 11, 2020) Bates: 024208 - 024219
31. FAQs about Affordable Care Act Implementation Part 51, Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation (Jan. 10, 2022) Bates: 024220 - 024234
32. FAQs about Families First Coronavirus Response Act, Coronavirus Aid, Relief, and Economic Security Act and Health Insurance Portability and Accountability Act Implementation Part 58 (Mar. 29, 2023) Bates: 024235 - 024250
33. Health Resources and Services Administration, “FAQs for The HRSA COVID–19 Coverage Assistance Fund” Bates: 024251 - 024265
34. Palanker, Dania and Kevin Lucia (2021). “Limited Plans with Minimal Coverage Are Being Sold as Primary Coverage, Leaving Consumers at Risk,” Commonwealth Fund Bates: 024266 - 024270
35. Palanker, Dania, JoAnn Volk, and Maanasa Kona (2019). “Seeing Fraud and Misleading Marketing, States Warn Consumers About Alternative Health Insurance Products,” Commonwealth Fund Bates: 024271 - 024275
36. Avila, Jaie (2019). “Show Me Your Bill Helps Wipe Out \$70K in Charges After Heart Attack,” News 4 San Antonio Bates: 024276 - 024280
37. Edward, Jean, Amanda Wiggins, Malea Hoepf Young, Mary Kay Rayens (2019). “Significant Disparities Exist in Consumer Health Insurance Literacy: Implications for Health Care Reform,” Health Literacy Research and Practice Bates: 024281 - 024289
38. Villagra, Victor and Bhumika Bhuvra (2019). “Health Insurance Literacy: Disparities by Race, Ethnicity, and Language Preference,” The American Journal of Managed Care Bates: 024290 - 024302

39. Centers for Medicare & Medicaid Services, Center for Consumer Information and Insurance Oversight, Temporary Special Enrollment Period (SEP) for Consumers Losing Medicaid or the Children’s Health Insurance Program (CHIP) Coverage Due to Unwinding of the Medicaid Continuous Enrollment Condition—Frequently Asked Questions (FAQ) (Jan. 27, 2023)
Bates: 024303 - 024308
40. Department of Health and Human Services, Assistant Secretary for Planning and Evaluation, Office of Health Policy, “Unwinding the Medicaid Continuous Enrollment Provision: Projected Enrollment Effects and Policy Approaches,” August 19, 2022
Bates: 024309 - 024325
41. National Association of Insurance Commissioners (2023). “Short-Term Limited-Duration Health Plans”
Bates: 024326 - 024328
42. Palanker, Dania, and Volk JoAnn (2021). “Misleading Marketing of Non-ACA Plans Continued During COVID–19 Special Enrollment Period,” Center on Health Insurance Reforms
Bates: 024329 - 024333
43. Fernandez, Bernadette, Vanessa Forsberg, and Annie Mach (2018). “Background Information on Health Coverage Options Addressed in Executive Order 13813,” Congressional Research Service
Bates: 024334 - 024357
44. Corlette, Sabrina, Kevin Lucia, Dania Palanker, and Olivia Hoppe (2019). “The Marketing of Short-Term Health Plans: An Assessment of Industry Practices and State Regulatory Responses,” Urban Institute
Bates: 024358 - 024366
45. Government Accountability Office (2022). “Private Health Insurance: Limited Data Hinders Understanding Short-Term Plans Role and Value During the COVID–19 Pandemic”
Bates: 024367 - 024412
46. Pollitz, Karen, Michelle Long, Ashley Semanskee, and Rabah Kamal (2018). “Understanding Short-Term Limited Duration Health Insurance,” Kaiser Family Foundation
Bates: 024413 - 024423
47. Letter from 29 Organizations to Sec. Xavier Becerra (Jan. 31, 2022)
Bates: 024424 - 024428

48. Federal Trade Commission (2018). “FTC Halts Purveyors of Sham Health Insurance Plans” Bates: 024429 - 024431
49. Federal Trade Commission (2022). “FTC Action Against Benefytt Results in \$100 Million in Refunds for Consumers Tricked into Sham Health Plans and Charged Exorbitant Junk Fees” Bates: 024432 - 024435
50. Government Accountability Office (2020). “Private Health Coverage: Results of Covert Testing for Selected Offerings” Bates: 024336 - 024464
51. Keith, Katie (2020). “New Congressional Investigation of Short-Term Plans,” Health Affairs Bates: 024465 - 024472
52. U.S. House of Representatives Committee on Energy and Commerce (2020). “Shortchanged: How the Trump Administration’s Expansion of Junk Short-Term Health Insurance Plans Is Putting Americans at Risk” Bates: 024473 - 024669
53. Centers for Medicare & Medicaid Services Office of Minority Health (2022). “The Path Forward: Improving Data to Advance Health Equity Solutions” Bates: 024670 - 024711
54. Moore, Jazmyn, Carolina Luna-Pinto, Heidi Cox, Sima Razi, Michael St. Louis, Jessica Ricaldi, and Leandris Liburd (2021). “Promoting Health Equity During the COVID-19 Pandemic, United States,” Bulletin of the World Health Organization Bates: 024712 - 024714
55. Edward, Jean, Robin Thompson, and Amanda Wiggins (2022). “Health Insurance Literacy Levels of Information Intermediaries: How Prepared are They to Address the Growing Health Insurance Access Needs of Consumers?,” Health Literacy Research and Practice, 6(1) Bates: 024715 - 024721
56. Curran, Emily, Dania Palanker, and Sabrina Corlette (2019). “Short-term Plans Sold Through Out-of-State Associations Threaten Consumer Protections,” Commonwealth Fund Bates: 024722 - 024725
57. Appleby, Julie (2021). “New Health Plans Offer Twists on Existing Options, With a Dose of ‘Buyer Beware’,” KFF Health News Bates: 024726 - 024732

58. Staman, Jennifer (2020). “Federal Private Health Insurance Market Reforms: Legal Framework and Enforcement,” Congressional Research Service Bates: 024733 - 024746
59. Arbel, Yonathan and Andrew Toler (2020). “ALL-CAPS,” Journal of Empirical Legal Studies Bates: 024747 - 024802
60. Hancock, Jay (2015). “How Not to Find Out Your Health Plan Lacks Hospital Benefits,” Kaiser Family Foundation Bates: 024803 - 024807
61. Kaiser Family Foundation (2021). “2021 Employer Health Benefits” Bates: 024808 - 025066
62. Kaiser Family Foundation (2022). “2022 Employer Health Benefits” Bates: 025067 - 025347
63. U.S. Department of Labor, Employee Benefits Security Administration (2022). “MEWAs: Multiple Employer Welfare Arrangements under the Employee Retirement Income Security Act (ERISA): A Guide to Federal and State Regulation” Bates: 025348 - 025483
64. National Association of Insurance Commissioners (2022). “Accident and Health Policy Experience Reports for 2018–2021” Bates: 025484 - 025794
65. Congressional Budget Office (2020). “CBO’s Estimates of Enrollment in Short-Term, Limited- Duration Insurance” Bates: 025795 - 025803
66. Congressional Budget Office (2019). “How CBO and JCT Analyzed Coverage Effects of New Rules for Association Health Plans and Short-Term Plans” Bates: 025804 - 025823
67. Centers for Medicare & Medicaid Services Office of the Actuary (2018). “Estimated Financial Effects of the Short-Term, Limited- Duration Policy Proposed Rule” Bates: 025824 - 025826
68. Deam, Jenny (2021). “He Bought Health Insurance for Emergencies. Then He Fell Into a \$33,601 Trap,” ProPublica Bates: 025827 - 025837

69. Williams, Jackson (2022). “Addressing Low-Value Insurance Products With Improved Consumer Information: The Case of Ancillary Health Products,” National Association of Insurance Commissioners, Journal of Insurance Regulation Bates: 025838 - 025865
70. Schwab, Rachel and Maanasa Kona (2018). “State Insurance Department Consumer Alerts on Short-Term Plans Come Up Short,” Center on Health Insurance Reforms Bates: 025866 - 025870
71. Sanger-Katz, Margot (2018). “What to Know Before You Buy Short-Term Health Insurance,” The New York Times Bates: 025871 - 025874
72. Pelech, Daria and Karen Stockley (2022). “How Price and Quantity Factors Drive Spending in Nongroup and Employer Health Plans,” Health Services Research Bates: 025875 - 025884
73. Centers for Medicare & Medicaid Services, Medical Loss Ratio Data and System Resources Bates: 025885 - 025888
74. Appleby, Julie (2018). “Short-Term Health Plans Boost Profits For Brokers And Insurers,” NPR Bates: 025889 - 025905
75. Pear, Robert (2018). “‘Short Term’ Health Insurance? Up to 3 Years Under New Trump Policy,” The New York Times Bates: 025906 - 025909
76. Consumer Financial Protection Bureau (2022). “Medical Debt Burden in the United States” Bates: 025910 - 025963
77. Corlette, Sabrina, Erik Wengle, Ian Hill, and Olivia Hoppe (2020). “Perspective from Brokers: The Individual Market Stabilizes While Short-Term and Other Alternative Products Pose Risks,” Urban Institute Bates: 025964 - 025976
78. Centers for Medicare & Medicaid Services (2021). “2021 Special Enrollment Period in Response to the COVID-19 Emergency” Bates: 025977 - 025979
79. Centers for Medicare & Medicaid Services (2021). “Extended Access Opportunity to Enroll in More Affordable Coverage Through HealthCare.gov” Bates: 025980 - 025983
80. Norris, Louise (2023). “‘So Long’ to Limits on Short-Term Plans,” Healthinsurance.org Bates: 025984 - 025990

81. Giovannelli, Justin, JoAnn Volk, and Kevin Lucia (2020).
 “States Work to Make Individual Market Health Coverage
 More Affordable, But Long-Term Solutions Call for Federal
 Leadership,” Commonwealth Fund Bates: 025991 - 026010

82. Palanker, Dania, Maanasa Kona, and Emily Curran (2019).
 “States Step Up to Protect Insurance Markets and Consumers
 from Short-Term Health Plans,” Commonwealth Fund
 Bates: 026011 - 026025

83. Ortaliza, Jared, Krutika Amin, and Cynthia Cox (2022).
 “As ACA Marketplace Enrollment Reaches Record High,
 Fewer Are Buying Individual Market Coverage Elsewhere,”
 Kaiser Family Foundation Bates: 026026 - 026030

84. Levitt, Larry, Rachel Fehr, Gary Claxton, Cynthia Cox, and
 Karen Pollitz (2018). “Why do Short-Term Health Insurance
 Plans Have Lower Premiums than Plans that Comply with the
 ACA?,” Kaiser Family Foundation Bates: 026031 - 026033

85. Barnes, Justin and Fumiko Chino (2022). “Short-term Health
 Insurance Plans Come Up Short for Patients with Cancer,”
 JAMA Oncology, Vol 8, Issue 8: 1101–1103 Bates: 026034 - 026036

86. Hill, Latoya, Samantha Artiga, and Usha Ranji (2022).
 “Racial Disparities in Maternal and Infant Health: Current
 Status and Efforts to Address Them,” Kaiser Family Foundation
 Bates: 026037 - 026053

87. Tolbert, Jennifer, Kendal Orgera, and Anthony Damico (2020)
 (updated 2023). “Key Facts about the Uninsured Population,”
 Kaiser Family Foundation Bates: 026054 - 26074

88. Artiga, Samantha, Latoya Hill, Kendal Orgera, and Anthony
 Damico (2021) (updated 2022). “Health Coverage by
 Race and Ethnicity, 2010–2021,” Kaiser Family Foundation
 Bates: 026075 - 026077

89. Kaiser Family Foundation (2021). “Adults Who Report
 Not Having Personal Doctor/Health Care Provider by
 Race/Ethnicity” Bates: 026078- 026085

90. Kaiser Family Foundation (2021). “Adults Who Report
 Not Seeing a Doctor in the Past 12 Months Because of
 Cost by Race/Ethnicity” Bates: 026086 - 026093

91. Bureau of Labor Statistics (2022). “National Occupational Employment and Wage Estimates” Bates: 026094 - 026118
92. Small Business Administration (2023). “Table of Size Standards (last updated March 2023)” Bates: 026119 - 026159
93. House Conf. Rep. No. 104-736 (1996) Bates: 026160 - 026508
94. Palanker, Dania and Christina Goe (2020). “States Don’t Know What’s Happening in Their Short-Term Health Plan Markets and That’s a Problem,” Commonwealth Fund Bates: 026509 - 026512
95. Association of United Internet Consultants (2017). “Core Health Insurance Brochure” Bates: 026513 - 026528
96. Hooray Health (2022). “Hooray Health Brochure” Bates: 026529 - 026529
97. Sidecar Health (2022). “Sidecar Health Insurance Brochure” Bates: 026530 - 026531
98. Sidecar Health (2022). “How Do I Use My Sidecar Health VISA Benefit Card to Pay a Provider?” Bates: 026532 - 026536
99. Sidecar Health (2022). “How Sidecar Health Works with You” Bates: 026537 - 026537
100. Association for Community Affiliated Plans (2023). “Letter to Secretaries of Labor, Treasury, and Health and Human Services.” Bates: 026538 - 026541
101. United Healthcare (2022). “How Does A Fixed Indemnity Plan Work” Bates: 026542 - 026552
102. United Healthcare (2022). “Health Protector Guard: Hospital and Doctor Fixed Indemnity Insurance” Bates: 026553 - 026574
103. Alston & Bird (2023). “Statutory Background: Hospital Indemnity and Other Fixed Indemnity Excepted Benefits” Bates: 026575 - 026578
104. Aflac Federal Relations and Alston & Bird (2023). “There’s a BIG Difference Between Short-Term Medical Insurance and Other Policies” Bates: 026579 - 026583

105. Brief Amicus Curiae of the U.S. House of Representatives in Support of Appellants in Association for Community Affiliated Plans, et al. v. United States Department of the Treasury (2023)
Bates: 026584 - 026618
106. Petition for Rehearing and Rehearing En Banc in Association for Community Affiliated Plans, et al. v. United States Department of the Treasury, et al.
Bates: 026619 - 026643
107. H.R. Rep. No. 104–496, part I (1996)
Bates: 026644 - 026927
108. Kaiser Family Foundation (2024). “Number of Issuers Participating in the Individual Health Insurance Marketplaces, 2014–2024”
Bates: 026928 - 026935
109. Centers for Medicare & Medicaid Services (2024). “Marketplace 2024 Open Enrollment Period Report: Final National Snapshot”
Bates: 026936 - 026944
110. Centers for Medicare & Medicaid Services (2023). “NHE Fact Sheet”
Bates: 026945 - 026950
111. “FAQs about Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation Part 50” (Oct. 4, 2021)
Bates: 026951 - 026957
112. “FAQs about Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation Part 52” (Feb. 4, 2022)
Bates: 026958 - 026965
113. Centers for Medicare & Medicaid Services, Center for Medicaid & CHIP Services (Jan. 5, 2023). “Key Dates Related to the Medicaid Continuous Enrollment Condition Provisions in the Consolidated Appropriations Act, 2023”
Bates: 026966 - 026972
114. Centers for Medicare & Medicaid Services, Center for Medicaid & CHIP Services (Jan. 27, 2023). “Letter to State Health Officials from Deputy Administrator and Director Daniel Tsai RE: Medicaid Continuous Enrollment Condition Changes, Conditions for Receiving the FFCRA Temporary FMAP Increase, Reporting Requirements, and Enforcement Provisions in the Consolidated Appropriations Act, 2023”
Bates: 026973 - 026997

115. Schwab, R., & Volk, J. (Aug. 28, 2023). “The Perfect Storm: Misleading Marketing of Limited Benefit Products Continues as Millions Losing Medicaid Search for New Coverage,” Center on Health Insurance Reforms Bates: 026998 - 027007
116. Healthinsurance.org (2023). “Duration and Renewals of 2023 Short-Term Medical Plans by State” Bates: 027008 - 027014
117. Steffen, Peter B. (2000). “After Fabe: Applying the Pireno Definition of Business of Insurance in First-Clause McCarran-Ferguson Act Cases,” University of Chicago Legal Forum: Vol. 2000 Bates: 027015 - 027041
118. Barnes, Justin, Anne Kirchhoff, Robin Yabroff, and Fumiko Chino (2023). “State Policies Regulating Short-Term Limited Duration Insurance Plans and Cancer Stage at Diagnosis,” JNCI Cancer Spectrum, Volume 7, Issue 5 Bates: 027042 - 027045
119. Georgians for a Healthy Future (2019). “Report on Testing Consumer Understanding of a Short-Term Health Insurance Plan” Bates: 027046 - 027072
120. Kutner M, Greenberg E, Jin Yes, Paulsen C. “The Health Literacy of America’s Adults: Results from the 2003 National Assessment of Adult Literacy” (NCES 2006–483). Washington, DC: U.S. Department of Education, National Center for Education Statistics; 2006 Bates: 027073 - 027148
121. Muvuka, B., et. al (2020). “Health Literacy in African-American Communities: Barriers and Strategies,” Health Literacy Research and Practice Bates: 027149 - 027154
122. Schumacher, Jessica R. et al. (2013). “Potentially Preventable Use of Emergency Services: The Role of Low Health Literacy,” Medical Care 51(8), August 2013 Bates: 027155 - 027164
123. Centers for Medicare & Medicaid Services (2023). “Unwinding and Returning to Regular Operations after COVID, Medicaid and CHIP Renewals Outreach and Educational Resources” Bates: 027165 - 027168
124. Centers for Medicare & Medicaid Services (August 26, 2022). “Biden-Harris Administration Makes Largest Investment Ever in Navigators Ahead of HealthCare.gov Open Enrollment Period” Bates: 027169 - 027174

125. Corallo, Bradley, Jennifer Tolbert, Patrick Drake, Sophia Moreno, and Robin Rudowitz (2024). “Halfway Through the Medicaid Unwinding: What Do the Data Show?” Kaiser Family Foundation Bates: 027175 - 027182
126. Centers for Medicare & Medicaid Services, Frequently Asked Questions on Reuse of Exchange for Ancillary Products (March 29, 2013) Bates: 027183 - 027184
127. NAIC Model 40 (1999 & 2020) Bates: 027185 - 027222
128. NAIC Model 170 (2019 & 2020) Bates: 027223 - 027240
129. NAIC Model 171 (2019 & 2020) Bates: 027241 - 027285
130. National Association of Insurance Commissioners (2023). “2022 Accident and Health Policy Experience Report” Bates: 027286 - 027596
131. Lucia, Kevin, Sabrina Corlette, Dania Palanker, and Olivia Hoppe (2018). “Views From the Market: Insurance Brokers’ Perspectives on Changes to Individual Health Insurance,” Urban Institute Bates: 027597 - 027609
132. AHIP–ACLI–BCBSA 2023 Survey: Fixed Indemnity and Specified Disease Plans, September 7, 2023 Bates: 027610 - 027611
133. Karaca-Mandic, Pinar, Feldman, Roger, and Peter Graven (2016). “The Role of Agents and Brokers in the Market for Health Insurance,” Journal of Risk and Insurance Bates: 027612 - 027639
134. National Association of Benefits and Insurance Professionals (2023). “Who We Are” Bates: 027640 - 027644
135. Yang, Nuo Nova, Jingxuan Zhao, Justin Michael Barnes, Anne C. Kirchhoff, Fumiko Chino, Robin Yabroff, and Xuesong Han (2023). “Association of Federal and State Policies Regulating Short-term Limited Duration Insurance (STLD) Plans and Later Cancer Stage at Diagnosis,” JCO Oncology Practice, Volume 19, Issue 11 Bates: 027645 - 027645
136. Ortaliza, Jared, Krutika Amin, and Cynthia Cox (2024). “Another Year of Record ACA Marketplace Signups, Driven in Part by Medicaid Unwinding and Enhanced Subsidies,” Kaiser Family Foundation Bates: 027646 - 027653

137. American Cancer Society Cancer Action Network (2019).
 “Inadequate Coverage: An ACS CAN Examination of Short-Term
 Health Plans” Bates: 027654 - 027678

138. Blase, Brian (2021). “Individual Health Insurance Markets
 Improving in States that Fully Permit Short-Term Plans,”
 Galen Institute Bates: 027679 - 027702

139. Rikard, RV, Maxine Thompson, Julie McKinney, and Alison
 Beauchamp (2016). “Examining Health Literacy Disparities in the
 United States: A Third Look at the National Assessment of Adult
 Literacy,” BMC Public Health, Volume 16, Issue 1
 Bates: 027703 - 027714

140. Davis, Stacy, Jonathan Wischhusen, Steven Sutton, Shannon
 Christy, Emmanuel Chavarria, Megan Sutter, Siddhartha Roy,
 Cathy Meade, and Clement Gwede (2020). “Demographic and
 Psychosocial Factors Associated with Limited Health Literacy in
 a Community-based Sample of Older Black Americans,” Patient
 Education and Counseling, Volume 103, Issue 2,
 Bates: 027715 - 027720

141. Office of the Assistant Secretary for Planning and Evaluation
 (2016). “Guidelines for Regulatory Impact Analysis”
 Bates: 027721 - 027815

142. Centers for Medicare & Medicaid Services (2024).
 “Short-term, Limited-duration and Fixed Indemnity
 Issuers and Associated Income (as measured by
 Revenue or Premiums)” Bates: 027816 – 027817

143. Multiple Issuers’ Fixed Indemnity Plan Documentation
 Bates: 027818 - 030879

144. Nat’l Ass’n of Ins. Commissioners (2024).
 “MCAS 2023 - Market Conduct Annual Statement”
 Bates: 030880 - 030888

145. Centers for Medicare & Medicaid Services (2023).
 “Self-Funded, Non-Federal Governmental Plans” Bates: 030889 - 030891

146. Sidecar Health (2023). “Discussion regarding Proposed
 Rulemaking: section 105(b)” Bates: 030892- 030900

- 147.** Am. Council of Life Insurers (2023). “Taxation of Fixed Indemnity and Certain Other Accident and Health Insurance Policies” Bates: 030901 - 030910
- 148.** Centers for Medicare & Medicaid Services (2024). “Consumer Research to Improve Marketplace Tools, Outreach, and Education Programs, Short-Term Plan Notice Messages: MaxDiff Survey” Bates: 030911 - 030934
- 149.** Centers for Medicare & Medicaid Services (2024). “Short-Term Plan Notice MaxDiff Survey: Topline Report” Bates: 030935 - 030965
- 150.** Centers for Medicare & Medicaid Services (2024). “Consumer Research to Improve Marketplace Tools, Outreach, and Education Programs. STLDI/FI Notices: Topline Report” Bates: 030966 - 031024
- 151.** Centers for Medicare & Medicaid Services (2024). “Consumer Research to Improve Marketplace Tools, Outreach, and Education Programs. STLDI/FI Notices: Spanish Language Research Topline Report (FINAL)” Bates: 031025 - 031090

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